

EXPLANATORY MEMORANDUM TO
THE ANIMAL FEED (HYGIENE, SAMPLING, AND ENFORCEMENT)
REGULATIONS (NORTHERN IRELAND) 2016

2016 No. 5

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Health Social Services and Public Safety to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule (SR) is made under the powers conferred on it by section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.
- 1.3 The rule is due to come into operation on 14 February 2016

2. Purpose

- 2.1 The Animal Feed (Hygiene, Sampling, etc., and Enforcement) Regulations (Northern Ireland) 2016 (“the new Regulations”) will combine the provisions of two national Regulations and remake them as one consolidated Statutory Rule (SR).
- 2.2 A separate rule, namely *The Animal Feed (Composition, Marketing and Use) Regulations (Northern Ireland) 2016* will revoke, remake and consolidate the remaining national rules on the composition, marketing and use of animal feed.

3. Matters of special interest to the Health Committee

- 3.1 None.

4. Legislative background

- 4.1 As part of the Government-wide review of the powers and sanction, the powers of entry in this rule has been updated, introducing additional safeguards in relation to officers exercising their powers entry and inspection. The maximum term of imprisonment on summary conviction has also been increased from 3 months to 6 months with agreement from the Department of Justice.
- 4.2 The consolidation provides the opportunity to condense into two SRs the legal requirements on animal feed composition, marketing and labelling on the one hand, and feed hygiene and enforcement (including sampling and analysis) on the other. The proposals will reduce the number of animal feed SRs resulting in legislation that is more accessible and designed to be more logically structured, providing more clarity and ease of reference for both enforcement bodies and businesses. The proposals provide relevant information in a reduced number of SRs, thus, reducing the regulatory burden of having to cross reference several pieces of national legislation.

5. Territorial Extent and Application

- 5.1 This rule applies to Northern Ireland only.
- 5.2 National Statutory Instruments in England and Wales to introduce these measures have been made. The equivalent legislation in Scotland is due to be reviewed following the establishment of Food Standards Scotland.

6. European Convention on Human Rights

6.1 As the rule is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 Legislation on animal feed is harmonised at European level; it applies principally to feed for farmed livestock, but also covers feed for horses, pets, farmed fish, zoo and circus animals and creatures living in the wild.

7.2 At present the legal requirement on animal feeds legislation is contained in five separate Statutory Rules, of which two are being revoked and remade in the new Regulations. The current arrangements, which necessitate cross-reference between two SRs are perceived as difficult and costly to business operators and enforcement bodies alike, and constitutes a regulatory burden. The consolidation aims to rectify this.

7.3 The two existing national Regulations being revoked by the new Regulations are:

- a) The Feed (Sampling and Analysis and Specified Undesirable Substances) Regulations (Northern Ireland) 2010 (S.R. 2010 No. 323); and
- b) The Feed (Hygiene and Enforcement) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 546) as amended.

8. Consultation outcome

Formal Public Consultation

8.1 The FSA has kept the feed sector informed prior to the formal consultation, through stakeholder engagement.

8.2 The FSA conducted a formal consultation from 27 March 2015 to 19 June 2015 the purpose of which was to seek stakeholder views on the draft consolidated rule and to provide stakeholders with the opportunity to comment on the draft new Regulations and the associated Impact Assessment.

8.3 Three responses were received; these were from Department of Agriculture and Rural Development, the Government Chemist and Northern Ireland Grain Trade Association (NIGTA)

8.4 There was collective consensus amongst industry and enforcement bodies that they supported the proposed consolidation.

9. Guidance

9.1 No specific guidance has been prepared to accompany the new Regulations.

10. Impact

- 10.1 An Impact Assessment (IA) was prepared by colleagues in England but is believed to be equally representative of the situation in Northern Ireland and provided the FSA's assessment of the likely costs and benefits from the two consolidations.
- 10.2 The proposed consolidated Regulations will affect all feed businesses in Northern Ireland. These include businesses involved in the import, manufacture, storage and transport of feed products as well as farms that grow, produce, mix and use feed products. In terms of financial costs and benefits, the FSA believes that these are negligible, as the consolidation does not change the content of the Regulations; the only change is that the requirements of two separate SRs will be located in one SR.
- 10.3 Enforcement bodies involved in the enforcing of feed law will also be affected by the consolidated Regulations; however, in terms of financial costs, the FSA believes that these are negligible.
- 10.4 There is no particular impact on charities or voluntary bodies, rural areas or on members of the ethnic communities of any particular racial group that can be identified. No comments were received from such bodies on the effects of the proposal on them.
- 10.5 As regards the public sector, there may be an impact on Enforcement Authorities and the FSA in the form of administrative costs associated with intervention in support of businesses achieving compliance with the consolidated Regulations.

11 Regulating small business

- 11.1 The Statutory Rule will apply to all businesses, small and large.

12 Monitoring & review

- 12.1 The effectiveness of the Statutory Rule will be also be monitored via general feedback from industry and Enforcement Authorities.

13 Contact

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